

MEMO ENDORSED

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

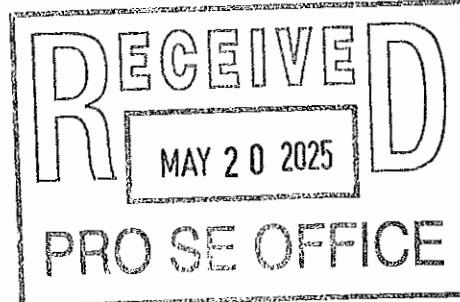
COMMODITIES FUTURES TRADING
COMMISSION,
Plaintiff,

v.

EDDY ALEXANDRE and
EMINIFX, INC.,
Respondents.

x

x



NEW YORK, N.Y.

Case No. 22-cv-3822 (VEC)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5/22/2025

EMERGENCY MOTION FOR LEAVE TO PROCEED ON AN INTERLOCUTORY APPEAL

Notice is hereby given that, Eddy Alexandre, ("Mr. Alexandre"), the petitioner, pro se, hereby appeals to the United States Court of Appeals for the SECOND CIRCUIT from the Southern District Court's Orders: 1) Dkt #481 denying Dkt #474 Motion to intervene and remove the receiver's lawsuit from the New York State Supreme Court Index #651642/2025 as denied on 5/1/2025. 2) Dkt #482 denying Dkt #475 Motion for reconsideration of Counterclaim and Crossclaim against the receiver as denied on 5/1/2025.

Petitioner contends this is an abuse of discretion as Judge Caproni violated her Oath to protect the rights of every citizen. Rubber-stamping the work of the CFTC from the executive branch removed the separation between the judiciary and the executive, whereas the judge is making factual determination on constitutionally disputed facts in an attempt to short-circuit the process and avoid a fair and just jury trial as the ultimate trier of facts. In a common law case as this one at bar, Mr. Alexandre is entitled to a trial by jury as a matter of law, the common law claims had to be heard by a jury, albeit the Receiver published that he distributed about \$80 million to the investors already towards the \$100 million of the initial distribution plan with the Ponzi determination.

Mr. Alexandre consistently and vigorously fought these allegations and proffered open issues of material facts in this conspiracy to deprive him and his investors of property, rights, liberty and justice. See SEC v. Jarkey, 603 US S.Ct. 219 L.Ed.2d 650 US, 2024. The level of bias and conflict

from the presiding judge have reached their peak. The cumulative errors and their effects are only growing in number with a detrimental impact on the investors and Mr. Alexandre. Only a recusal from Judge Caproni will bring a fair and just outcome to this process. This case is a remnant of the Biden administration's witch hunt against Crypto investors and innovators.

Mr. Alexandre have attached an emergency motion to stay all proceedings in this action and to enjoin the Receiver until the resolution of all pending motions in the Appellate Court to ensure a fair and just outcome; and he's ready to appeal the denial of that stay request if necessary.

Respectfully submitted,

DATED: May 5, 2025

/S/ Eddy Alexandre

Eddy Alexandre, pro se
 Reg. No.: 00712-510
 Former CEO & Founder of EminiFX
 FCC Allenwood-Low
 P.O. Box 1000
 White Deer, PA 17887

enclosure: Emergency Motion to Stay and Enjoin CFTC-Receiver

The Court has already reviewed and denied the motion to which this letter refers. *See* Dkt. 485.

To the extent Mr. Alexandre intends for this letter to serve as a request for the Court to certify that his motion to stay presents a controlling question of as to which there is a substantial ground of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, *see* 28 U.S.C. § 1292(b), that request is DENIED.

Mr. Alexandre is reminded that, given the lack of legal authority for his motion to stay, the Court has certified pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed *in forma pauperis* on interlocutory appeal of the Court's Order at Dkt. 485 (or of this Order) is DENIED.

The Clerk of the Court is respectfully directed to mail a copy of this order to Mr. Alexandre and to note mailing on the docket.

SO ORDERED.

Valerie Caproni

5/22/2025

HON. VALERIE CAPRONI
 UNITED STATES DISTRICT JUDGE